

EXPEDITED CHILD SUPPORT PROCESS

RESPONSE TO MOTION FOR REVIEW / COUNTER MOTION

IMPORTANT NOTICES

YOU CAN USE THIS PACKET OF FORMS ONLY IF another party has served you with a Motion for Review or Combined Motion.

- The court will consider your request without a hearing.
- Court personnel, the county attorney's office, and the child support office **cannot** help you fill out these forms.
- You may need to speak with a lawyer if you do not know how to answer the questions on these forms.
- You **must** fill out all three forms included with this packet and you **must** follow the instructions included with this packet.
- Type your answers or print neatly using dark ink.

GENERAL INFORMATION

The forms included in this packet are for use by individuals who are objecting to another party's request to make changes to a recently decided child support order. The purpose of filing a response to a Motion for Review is to explain your objections to the court. You are not required to file a response if you are in agreement with the motion. If you wish to raise other issues that were not addressed in the Motion for Review, use these forms and mark the box "Counter Motion". The forms in this packet must also be used if you are responding to a Counter Motion. You may **not** use these forms to bring other requests or questions before the court.

The forms are for use by individuals representing themselves or for attorneys. They are not a substitute for use of an attorney. Using these forms will not guarantee that the court will grant your request. When filling out the forms be as accurate and as detailed as possible. The court needs to clearly understand what you believe to be mistakes or errors before the court can make any corrections or changes to the order.

INSTRUCTIONS

STEP 1

FILL OUT THE “RESPONSE TO MOTION FOR REVIEW / COUNTER MOTION” FORM

Fill out the “Response to Motion for Review / Counter Motion” form included in this packet by following Steps 1a through 1k below. This form tells the court and all other parties, including the county attorney’s office, what you are asking the court to do.

STEP 1a: Fill in the information at the top of the form. The information to fill in the boxes and blanks at the top of the form can be found at the top of your current child support order, including:

- The county where your case is located and where the current order was issued (which may be different from the county where you live).
- The number of the judicial district.
- The court file number.
- The name of the Petitioner/Plaintiff.
- The name of the Respondent/Defendant.

If you are the Petitioner/Plaintiff in the current order or decree you will be the Petitioner/Plaintiff in this motion. If you are the Respondent/Defendant in the current order or decree you will be the Respondent/Defendant in this motion.

STEP 1b: Decide whether you are responding to a Motion for Review, bringing a Counter Motion, or responding to a Counter Motion. Check either the “Response to Motion for Review” box, the “Counter Motion” box, or the “Response to Counter Motion” box. A response to a Motion for Review will include your objections to the motion or counter motion. A Counter Motion includes new requests that you are asking the court to consider in addition to any objections you may have to the motion.

STEP 1c: Fill in the name and last known address of the other party and the county attorney’s office where your case is located.

STEP 1d: Fill in the name and the date the current order was signed by the court.

STEP 1e: Request 1: Decide who you want to review your request - the child support magistrate who issued the order or a district court judge. Check off the appropriate box.

STEP 1f: Request 2: List all the parts of the order you want reviewed, the reasons why the review is requested, and describe the specific changes requested. You may request as many changes as you wish, but it will be up to the court to decide what changes (if any) will actually be ordered.

- STEP 1g:** Request 3: Include any other changes you would like the court to make.
- STEP 1h:** Request 4: If you would like to submit new or additional evidence that supports the changes, check the box and explain what type of evidence you want to submit and why you did not submit it earlier. **DO NOT SUBMIT THE ADDITIONAL EVIDENCE AT THIS TIME.**
- STEP 1i:** Request 5: If you are requesting a new hearing, check off the box and explain why you are requesting a new hearing.
- STEP 1j:** Request 6: If you ordered a transcript, check off the box and fill in the date you filed your Request for Transcript.
- STEP 1k:** **ONLY DATE AND SIGN THE “RESPONSE TO MOTION FOR REVIEW / COUNTER MOTION” FORM WHEN YOU ARE IN FRONT OF A NOTARY PUBLIC OR THE COURT CLERK. MAKE SURE TO BRING PICTURE IDENTIFICATION TO SHOW TO THE NOTARY PUBLIC OR CLERK.** A Notary Public can usually be found at a bank and sometimes at the courthouse.

<p style="text-align: center;">STEP 2 MAKE COPIES OF FORMS</p>
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- Step 2a:** After the form is completely filled out, make three copies of the “Response to Motion For Review / Counter Motion” form.
- Step 2b:** Keep one copy of the form for yourself.

<p style="text-align: center;">STEP 3 HAVE OF THE DOCUMENTS SERVED ON THE OTHER PARTY AND COUNTY AGENCY</p>
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You must arrange for the other party and the county attorney’s office to receive copies of the motion. This is called “service of process.” A copy of the motion must be served upon all parties, either personally or by mail. Personal service means the documents are hand delivered to the other party personally or leaving the documents at the other party’s place of residence with some person who is 18 years or older who also lives at the same residence. If the other party is represented by an attorney, the documents must be served on the attorney instead of the party.

If using personal service, the documents must be hand delivered upon the other party (or his/her attorney if there is one) and the county attorney’s office within 30 days of the date the Court Administrator served the Notice of Filing of Order. The Notice of Filing of Order is attached to the order being reviewed and gives you instructions and time frames for filing a response to a motion for review. If using mail service, the envelopes containing the documents must be

mailed to the other party (or his/her attorney if there is one) and to the county attorney's office at least 33 days from the service of the Notice of Filing. **If your documents are not personally served or mailed upon the other party (or his/her attorney) and the county attorney's office within the specific time frames stated above, your motion may not be reviewed by the court.**

NOTE! YOU CANNOT SERVE THE MOTION YOURSELF. YOU MUST HAVE SOMEONE ELSE OVER THE AGE OF 18 WHO IS NOT A PARTY TO THE CASE HAND DELIVER OR MAIL THE MOTION FOR YOU.

<p style="text-align: center;">STEP 4 COMPLETE THE "AFFIDAVIT OF SERVICE" FORM</p>
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The person who hand delivers or mails the motion must fill out an "Affidavit of Service" form for each party served. You will need to make additional copies of the blank "Affidavit of Service" form.

NOTE! THE PERSON WHO HAND DELIVERS OR MAILES THE MOTION MUST SIGN THE "AFFIDAVIT OF SERVICE" IN FRONT OF A NOTARY PUBLIC OR THE COURT ADMINISTRATOR. MAKE SURE THE PERSON BRINGS PICTURE IDENTIFICATION TO SHOW TO THE NOTARY PUBLIC OR CLERK.

<p style="text-align: center;">STEP 5 FILE THE FORMS WITH THE COURT ADMINISTRATOR</p>

The following original documents must be filed with the Court Administrator in the county where your case is located.

- The original of the "Response to Motion for Review / Counter Motion".
- The "Affidavit of Service".

Court Fees

If you did not pay an initial filing fee when this case first began, you will now need to pay the filing fee. If you cannot afford to pay the fee, you may qualify to have the filing fee waived by the court. You will need to fill out an In Forma Pauperis application (available from the Court Administrator) and file it with the Court Administrator. Your application will be reviewed by a child support magistrate or judge who will decide whether you must pay the fee. If the magistrate or judge does not sign an order that waives the fee, you must be prepared to pay the fee or the clerk cannot accept your forms.